

REPORT - PLANNING COMMISSION MEETING
October 28, 2004

Project Name and Number: WASHINGTON BOULEVARD (PLN2004-00196)

Applicant: Santa Clara Development Company

Proposal: To consider a Preliminary and Precise Planned District for 22 detached single-family dwellings and 4 duet units on 3.96 acres

Recommended Action: Recommend to City Council.

Location: 982-990 Washington Boulevard in the Mission San Jose Planning Area.

APN: 513-0604-001-05; 513-0604-005-04; 513-0604-006

Area: 3.96 acres

Owner: Robson Homes, LLC

Agent of Applicant: John Garcia, Santa Clara Development

Environmental Review: A Mitigated Negative Declaration was approved previously for this project.

Existing General Plan: Low Density Residential, 5-7 units per acre

Existing Zoning: I-L (H) (H-I) Light Industrial Historical Overlay Hillside Combining District and R-1-8 (H) (H-I) Single-Family Residence Historical Overlay Hillside Combining District

Existing Land Use: Unused industrial buildings and parking lot

Public Hearing Notice: Public hearing notification is applicable. 65 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Glenhill Drive, Paseo Padre Parkway, Poda Court, Washington Boulevard, Lerwick Street, and Regan Way. The notices to owners and occupants were mailed on October 15, 2004. A Public Hearing Notice was delivered to The Argus newspaper on October 11, 2004 to be published by October 14, 2004.

Executive Summary: The applicant is requesting approval of a Preliminary and Precise Planned District for 22 detached single-family dwellings and 4 duet units on 3.96 acres.

Background: A General Plan Amendment changing the designation of the project site from a light industrial land use to the current Low Density Residential, 5-7 units per acre designation was approved by City Council on December 9, 2003. The project site was previously occupied by an industrial use, Industrial Electric Manufacturing, Inc. (IEM). The applicant will demolish the existing industrial buildings. The project site is located southerly of the intersection of Washington Boulevard and Palm Avenue. The site is bounded to the north, west and south existing single-family homes and to the east by an existing religious facility.

Project Description: The applicant proposes a Preliminary and Precise Planned District for 22 detached single-family dwellings and 4 duet units on 3.96 acres. Four of the units, or fifteen percent of the total, will be Below Market Rate (BMR), as required by the City's inclusionary housing ordinance. The applicant describes the proposed architecture as Spanish Mission in style and that it incorporates the traditional building forms and articulated features of that design. More specifically, the form and proportions of the proposed residences are derived from the historic Spanish Bungalow

style. The twenty-six units vary among five floor plans and eight elevations. The detached units range from 2,279 to 3,358 square feet in size including garage space. The attached duet units are 1,705 square feet including one car garages. A Tentative Tract Map and Preliminary Grading Plan will be required for future approval.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Low Density Residential, 5-7 units per acre. The proposal of 26 dwelling units is a density of 6.5 dwelling units per acre. The proposed use and site design is consistent with the General Plan designation, because the project meets General Plan Land Use and Housing Goals and Policies as follows:

LAND USE (LU) GOAL 1: NEW HOUSING DEVELOPMENT WHILE CONSERVING THE CHARACTER OF THE CITY'S EXISTING SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS.

The proposed project would meet this goal by developing single-family homes compatible with the surrounding neighborhood, which is generally developed with single-family homes. The residential development would replace an industrial use that is no longer appropriate for the area.

HOUSING (H) GOAL 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City

The proposed residences will provide additional housing opportunities at market rate and will include four BMR units. The proposed project has the potential to enhance the existing neighborhood by providing well-designed housing to replace an incompatible industrial use.

Housing Element Implementation Program 10A: Commercial and Industrial Redesignation

The previously approved General Plan Amendment implemented the goal of the Housing Element to convert industrial properties east of I-880 for residential use. The proposed Planned District zoning further implements this goal by allowing the construction of 26 additional housing units to meet the City's housing needs.

Zoning Conformance: The proposed project is a rezoning from I-L (H) (H-I) Light Industrial Historical Overlay Hillside Combining District and R-1-8 (H) (H-I) Single-Family Residence Historical Overlay Hillside Combining District to P-2004-196 (Planned District). The Planned District zoning is a requirement of all small lot developments (lot sizes of less than 6,000 square feet) and the proposed project is subject to the Design Guidelines for Small-Lot Single-Family Residential Developments. The four lots for the proposed below market rate (BMR) units, lots 1, 2, 10, and 11, are less than 4,000 square feet in size. Smaller lots are allowed to accommodate affordable housing if the units are attached (duet) units. Overall high quality architecture, site design, and landscaping are proposed. The proposed architecture includes high quality materials and design and attractive, articulated facades with variations in massing and setbacks. The currently industrial site will be completely landscaped as part of the project, turning the site into an integral part of the neighborhood. There are some retaining walls and fences that exceed standard allowed heights as discussed in the Landscaping section of this report.

Section 8-21811(d) of the FMC states:

"Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof."

Based on the above justifications, as well as the below analysis of required findings, the proposed project merits rezoning to Planned District to allow the development of the site at density levels identified in the City's Housing Element and exceptions to zoning standards where noted in this report.

Required findings for a Planned District rezoning:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.

Comment: The project can be completed within this period of time.

- (b) Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.

Comment: The proposed residential land use is consistent with the Housing Element of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow the development the flexibility necessary to respond to the unique constraints found at this location and the Design Guidelines for Small-Lot Single-Family Residential Developments.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.

Comment: Washington Boulevard is a major thoroughfare in the City of Fremont, and at this location in front of the proposed project. The increased traffic from twenty-six residential units will not be a substantial increase for Washington Boulevard.

- (d) Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.

Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.

Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

Comment: The area surrounding the development is fully developed and compatible with the proposed development.

- (g) The "P" district is in conformance with the General Plan.

Comment: The project conforms to the goals and policies of the Housing Element of the City's General Plan, as well as the goals and policies of the Land Use Chapter.

- (h) That existing or proposed utility services are adequate for the population densities proposed.

Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

Consistency with Small Lot Design Guidelines. The following sections analyze the proposed project for compliance with the City's Design Guidelines for Small Lot Residential Developments. "Small lots" range in size from 4,000 to 6,000 square feet for single-family detached residences. Attached single-family residences (duets) may have lots smaller than 4,000 square feet.

Lot Sizes: The 22 single-family detached lots range in size from 4,023 square feet to 8,644 square feet. Ten of the lots exceed 5,000 square feet. The four single-family attached lots (duet units) are 2,282, 2,768, and 2,880 (two lots) square feet in size. The reduced lot size is allowed because these are attached units.

Floor Area Ratio: The Design Guidelines state that the maximum average or base floor area ratio (FAR) for the entire project is 0.5 with the maximum FAR for any one lot being 0.7. Information from the applicant indicates that the overall FAR for the project is .56, including the duet lots, with the lots ranging from .36 to a high of .71. Lot 6 has a FAR of 0.71 due to the street geometrics and the need to provide access to Lot 7. The Lot 6 property line is angled and the lot size is therefore reduced. The project is substantially consistent with design guidelines related to FAR of built area to the lot area.

Setbacks and Building Separation: The purpose of building setbacks is to ensure appropriate building separations and to provide yard spaces that are useable. The design guidelines call for varied setbacks to provide a more interesting street view. However, certain minimum standards are also prescribed. The project design proposes front yards of 10 feet with encroachment to 7 feet on two corner lots for Plan 1. The second story for Plans 2, 3, & 4 is setback further from the street varying by elevation from 9.5 to 15.5 feet with most second stories at 11-11.5 feet back from the first story front façade. The duet units have a front yard setback of 20 feet to the garage door. The duet units second story is 5.5 feet back from the first story front façade. The proposed front setbacks do provide variety to the streetscape and are consistent with Design Guideline 2.2.1. The proposed side and rear setbacks are also substantially in compliance with the exception of the rear garage setback for Plans 3 & 4. The garage is at the rear of the lot and a minimum 3 feet for a side and/or rear setback is proposed in some instances. Staff believes this acceptable due to the importance of minimizing the impacts of garages and parking aprons on the streetscape.

As noted in the Design Guidelines, the single most important feature impacting the streetscape and appearance of residential neighborhoods is the location and design of off-street parking and garages. The guidelines encourage home designs that minimize the negative impact of garages and driveway aprons on the streetscape. The guidelines require that a maximum of 50 percent of units have standard driveways and aprons and no two standard driveways be located next to each other. Eleven of the units (or 50 percent of the detached units) have rear garages and narrower driveways and curb-cuts. The remaining eleven units (50 percent of the detached units) and the four attached units show a garage setback of 20 to 30 feet with standard aprons and curb-cuts. Four of these elevations (Plan 2B) have a porch element and the garage is semi-recessed 12 feet to the rear of the front façade. However, these units do not have the reduced neck driveway in conformance with the guidelines for "recessed garage". The overall mix of garage locations and driveway designs is generally consistent with the Design Guidelines. Staff recommends that all driveways include accent paving, scoring or smooth trowel bands to create some visual interest. Staff will also work with the applicant to further reduce the visual impact of two car garages from the street through the use of the same paint color as the body of the house, and not white or an accent color, on the garage doors.

Yards: Small lots should incorporate large and small open spaces. Proposed front yards vary from 10 feet to 20 feet. All but four units have rear yards that meet the minimum back yard requirement of 15 feet by 20 feet. Two of those lots have the rear garage with the large paved side yard. The other two lots have yards with a 13 feet dimension.

On Street and Off-Street Parking:

Each detached unit has a two car garage and garage apron which can accommodate at least two cars. Eleven of the lots have garages located at the rear of the lot and side drives with necked down curb cuts. Lot 14 also has a substantially

longer driveway, approximately forty feet in length, although the garage doors are setback five feet six inches instead of twelve feet (recessed standard) from the front façade. The proposed design provides a total of 14 on-street parking places. All detached units have a minimum of four off street parking spaces and in some cases more because of the long driveways. There are two instances where standard driveways are located next to each other: Lots 24 & 25 and Lots 4 & 5. This issue could be resolved by reducing the driveway neck of all Plans 2B so it met the recessed garage standard.

A more difficult issue to resolve is the one car garages for the duet units. The duet units are also the Below Market Rate (BMR) units. The Inclusionary Housing Ordinance does allow affordable units to be attached rather than detached in single-family projects and to be smaller in size and have different interior features. However, the proposed one car garage and one uncovered space on the driveway is a substantial deviation from the Guidelines for Small Lot Development requirement of a minimum three parking spaces per lot. The Zoning Ordinance requires two covered parking spaces for single-family homes. The townhouse parking requirement is one covered space per unit and essentially one uncovered space per unit that is shared between guests and other townhouse owners in the development. Staff recommends redesigning the duet units to possibly include tandem parking for two vehicles and compensate for this loss of space by extending the living area side of the first floor towards the front property line to the minimum 7 to ten feet front yard setback.

Building Design: Elements, Materials, Color

Building Sizes: Five different floor plans, including a single story plan, are proposed. Eight different elevations are provided in total. The proposed residences vary in size from 1,705 square feet to 3,358 square feet including the garage. The total area and room compositions of the residences are:

Plan 1	One-story	2,265 s.f. (375 s.f. garage)	4 bedroom/2 bath
Plan 2	Two-story	2,739 s.f. (383 s.f. garage)	4 bedroom/3 bath
Plan 3	Two-story	3,146 s.f. (476 s.f. garage)	4 bedroom/3 bath + loft
Plan 4	Two-story	3,358 s.f. (473 s.f. garage)	4 bedroom/3 bath + loft
Duet	Two-story	1,705 s.f. (247 s.f. garage)	3 bedroom/2.5 bath

The distribution of the house types is as follows:

Plan 1	4 units (15 percent)	Lots: 3, 4, 23, 24
Plan 2	7 units (27 percent)	Lots: 5, 7, 14, 17, 19, 20, 25
Plan 3	9 units (35 percent)	Lots: 6, 9, 12, 13, 15, 16, 18, 22, 26
Plan 4	2 units (8 percent)	Lots: 8, 21
Duets	4 units (15 percent)	Lots 1, 2, 10, 11

Architectural Styles: The applicant describes the architecture of the homes as deriving their form and proportions from the historic Spanish Bungalow style "a residential architectural style fusing Spanish Revival architecture and the Bungalow architecture of the early 1900's". The houses are analyzed not as examples of a specific style of architecture, but more for the variety they include in size, scale and detailing. The proposed architecture incorporates hand-applied stucco exterior with "S" clay tile roof materials. The five different models have eight elevations and include either open wood detailed porches or semi-enclosed porches with arched openings. A variety of materials are provided in the trim materials and decorative details. The materials and details include wood and iron rails on balconies, wood rafter tails, decorative metal grilles, and stucco recesses and corbels. Some of the recesses have ceramic tile. Plan 3A has a fabric awning with iron supports detail. The variety of models and elevations provide an interesting streetscape from all angles while also breaking up the massing of the structures.

Massing/Articulation: The purpose of Guideline sections 3.1 and 3.2 was to include a variety in massing and to minimize perceived density of two story neighborhoods. The variety of massing is to be achieved by defining a range of ratios of second floors to first floors. The Guidelines state that a minimum of 15 percent of the residences should be one-story homes, 30 percent could have a small second story (maximum 30 percent of the first floor), 30 percent could have a medium second story (maximum 50 percent of the first floor area) and the remaining 25 percent of the homes could

include a larger second floor (maximum of 75 percent of the first floor area). The following chart only addresses the two story units:

	Duets	Plan 2	Plan 3	Plan 4
% of units in the project	15%	27%	35%	8%
First floor	926	1669	1738	1943
Second floor	779	1070	1409	1418
Ratio of second to first floor (Project proposal)	84%	64%	81%	73%

The proposed project does provide 15% of the residences (Plan 1) as single story units. The Inclusionary Housing Ordinance does provide incentives that do allow BMR units in ownership projects to be smaller in aggregate size than market rate units in the same project and therefore allows reduced lot size. The duet units are smaller lots and the ratio of second floors to first floors is more difficult to achieve. The applicant proposes 70% of the overall number of units (not including the duets) to exceed the ratio of second floors to first floors guidelines. The applicant has generally followed the guidelines by providing single story roof elements, setting second story portion to the rear or side of the home and proposing a variety of gable and hipped roof forms. Variety is also provided through the use of porches in both front and rear of the residences. Staff recommends that the Commission find this variation from the Guidelines acceptable and that the proposed articulation of the architecture and variety of massing is generally in compliance with the Guidelines. An alternative is to direct the applicant to delete the loft area of Plan 3 to have a reduced second floor.

Materials: The design guidelines require all developments with over four homes to include at least two primary building materials (a primary material is defined as a material used on a minimum of 67 percent of the entire building façade.) Alternatively, the guidelines suggest that all buildings could incorporate a minimum of 33 percent of a secondary material on each façade. As proposed, the project proposes stucco as the primary material on all elevations. Variety is provided through color and finish of the stucco and variety of materials used for trim and detail features. The proposed materials are consistent with the proposed architectural style and with the intent of the design guidelines to reduce monotony of appearance.

Colors: Color should be used to provide visual variety within a neighborhood. The Design Guidelines state that a minimum of two colors from different color families should be used. The applicant has proposed seven color schemes (color and material boards will be available at the public hearing). The color schemes propose a light to medium cream, tan, or other warm neutral for the field color and darker shades for the trim, fascia, and accent colors. Two to three trim colors are proposed for each color scheme. The roof colors are two different variegated terra cotta tile blends.

Landscaping: The applicant proposes Magnolia Grandiflora as the street tree. The overall planting palette incorporates elements from a Spanish Mediterranean landscape such as Olive and Citrus trees, roses, and a variety of shrubs, hedges, vines and perennials.

The site was graded prior to the current regulations regarding grading in the hill area. Staff worked with the applicant to develop a site plan that incorporated a public street and recognized that the combination of existing conditions and public street width requirements may require some retaining walls to exceed the height limit. Retaining wall heights are now limited to three feet in the (H-I) Hillside Combining District. Some of the proposed retaining walls may exceed the allowed height limit as noted in the Grading section of this report. It should be noted that the existing site conditions included retaining walls along the southern and eastern project boundaries. The combination of retaining walls and property line fences may also exceed allowed height limits. The proposed grading and retaining walls will result in fence heights along the eastern property line in excess of the height allowed by Zoning Ordinance. The successive retaining walls that are separated by less than 10 feet are included in the calculation of overall fence height. A masonry fence material along the eastern property line (Lots 8 through 11) is required where the project site is adjacent to the parking and circulation area for the religious facility. Staff will refine the retaining wall and fence height issue with the preliminary grading plan but would recommend some flexibility in the Planned District conditions to address this issue.

City Landscape Architect Review of Proposed Tree Removal and Preservation: The proposed project is located on a site that has 73 mature trees as shown on the "Existing Tree Plan" C-2. All trees are designated for removal except for trees # 1 Olive, #2 Olive, #3 Olive, #6 Olive and #10 Coast Live Oak. The 68 trees designated for removal include 11 dead Monterey Pines. The remaining 57 trees are located in conflict with the proposed development and their preservation would require unreasonable modifications to the design of the project. Mitigation for the removal of these trees shall be the provision of a total of (26) 24" Box trees in front yard landscapes throughout the site in addition to 24" Box Street trees. Given that the project will preserve 5 trees in addition to mitigation, the project is consistent with the provisions of the Tree Preservation Ordinance.

The five trees designated for preservation, will require tree protection measures that may include construction of a retaining walls up to three feet high, relocation of proposed hardscape elements, relocation of utilities and modifications to grading. The City shall hire an arborist at the applicant's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during the Tract Improvement Plan review.

Street Improvements: The project site is located south of the existing intersection of Washington Boulevard and Palm Avenue. The project proposes the subdivision of twenty-six lots along a new public cul-de-sac street (Palm Way). The new public street alignment was selected to line up with Palm Avenue and to retain existing olive trees in the northwest corner of the site. The required street right-of-way and improvements are discussed below.

Washington Boulevard: The General Plan designation for Washington Boulevard is as an arterial with two lanes in each direction. The required right-of-way dedication is approximately twenty feet. Required street improvements include, but are not limited to, installation of a concrete bus pad, curb, gutter, street trees, landscaping, sidewalk, storm drains, and undergrounding the existing overhead utilities along the project frontage.

Palm Way: Palm Way is a new public cul-de-sac street. The pavement width of the street is proposed to vary in order to retain three existing olive trees. The pavement width nearest Washington Boulevard is twenty-nine feet, which conforms to the City's standard for frontage road pavement width. Consistent with the City's standard for frontage roads, on-street parking will be permitted adjacent to Lots 1 through 4. Due to the reduced pavement width, parking shall be prohibited along the west side of the frontage road section. Except for the frontage road section, Palm Way is designed to conform to the City standard cul-de-sac serving twenty units or less. The right-of-way width is fifty-two feet, with a pavement width of thirty-two feet. Palm Way terminates with a standard cul-de-sac bulb. Street improvements include, but are not limited to, pavement, curb, gutter, sidewalk, street trees, landscaping, streetlights, and utilities, including fire hydrants.

Grading/Topography: The project site is currently improved as an industrial use, with a large building in the middle of the site surrounded by asphalt pavement, retaining walls, trees, fences, and utilities. The existing pavement, building, and associated utilities, will be demolished and removed from the site. Development of the industrial building and parking lot included grading that altered the natural topography. The results of this grading included retaining walls along the southern and eastern project boundaries.

To demonstrate that the residential project can be developed as proposed, the applicant has provided, for informational purposes, a preliminary grading plan showing the grading intent for the subdivision. A formal preliminary grading plan application, subject to Planning Commission review, will occur at a later date concurrent with the tentative map review.

The site currently slopes downward to the northwest with existing surface elevations varying between 249 feet in the southeast corner to 217 feet at Washington Boulevard. The project proposes the construction of twenty-six homes on small lots. Flat-pad homes are proposed for twenty-two lots and split-pad homes are proposed on four lots (Lots 10, 11, 24, and 25). In order to develop flat-pad homes and provide a new public cul-de-sac street that drains to Washington Boulevard, the project design includes several retaining walls.

The provided informational grading plan does not show how the homes on lots 9 through 13 conform to the grades along Palm Way. In some cases, the proposed building finished floors are four feet above the sidewalk elevation at the street. This grade differential may not permit construction of the porches as proposed, without inclusion of steps down from the

porches. The required preliminary grading plan application shall include additional information demonstrating how homes will conform to the street grades.

Retaining Walls: Staff estimates that over 2,800 linear feet of retaining walls are proposed with this project. The retaining walls are proposed along the majority of the subdivision boundary, as well as along side yard and rear yard property lines. Successive retaining walls are proposed along the eastern project boundary, in the rear of Lots 9 through 15. The building pad elevations for Lots 9 through 15 basically follow existing contours, but in order to provide room for the proposed flat-pad homes and yards, the developer is proposing to remove an existing retaining wall, install a new wall on the subdivision boundary, create a 3 to 1 slope (horizontal to vertical) down from the subdivision boundary, and install another retaining wall at the bottom of this slope. The result of this design adds an additional ten feet of flat area along the eastern edge of the project.

Elsewhere on the site, the applicant is proposing retaining walls along side yards and rear yards. For the most part, retaining wall heights are limited to three feet. The only area where wall height exceeds three feet is between rear corners of Lots 22 and 26, and Lots 23 and 25. The proposed grade difference is 5.4 feet between Lots 22 and 26 and 3.8 feet between Lots 23 and 25. Staff is recommending that the lot line and retaining wall between Lot 25 and Lot 26 be moved west approximately four feet, in order to align with the side yard lot line between Lot 21 and Lot 22. Shifting this lot line will reduce the amount of exposed 5.4-foot tall retaining wall in the back yard of Lot 26.

Retaining wall heights are limited to three feet in the (H-I) Hillside Combining District. The developer is requesting deviation from the retaining wall height limit in the rear yards between Lot 23 and Lot 25 and between Lot 22 and Lot 26. See the Landscaping section of this report for discussion on retaining wall and fence heights.

Drainage: The project site currently slopes downward from the southeast corner to the northwest corner. The site currently drains to existing drain inlets in the paved areas. The existing drain inlets connect via underground pipes to an existing storm drain main in Washington Boulevard. The existing underground storm drain system will be removed during site demolition and a new storm drain system will be installed with the required subdivision improvements.

The proposed storm drain system consists of curb inlets, manholes, and storm drain pipes in the new public street. Storm drainage for each individual lot consists of roof gutters, downspouts, yard drains, and pop-up drainage emitters. Due to the existing drainage pattern of the site and the proposed subdivision design, there are a few lots that do not drain directly to the public street. Lots 4 through 7, Lot 21, and Lot 26, are proposed to include private storm drain easements to convey storm water through adjacent private property before connecting to the public street. The storm drainage system is not approved as part of the planned district rezoning. All on-site and off-site storm drain improvements shall be subject to review and approval of both the City Engineer and the Alameda County Flood Control and Water Conservation District as part of improvements plans for a subsequent tentative subdivision map.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Applicable Fees:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction

and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials.

Environmental Analysis: An Initial Study and Mitigated Negative Declaration were prepared for the project at the time the General Plan Amendment was considered. A Mitigated Negative Declaration was adopted by the City Council in December of 2003. There are no new impacts that were not analyzed in this environmental document. A finding is proposed that this project does not represent any new impacts not addressed in the Initial Study and Mitigated Negative Declaration adopted in December of 2003.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

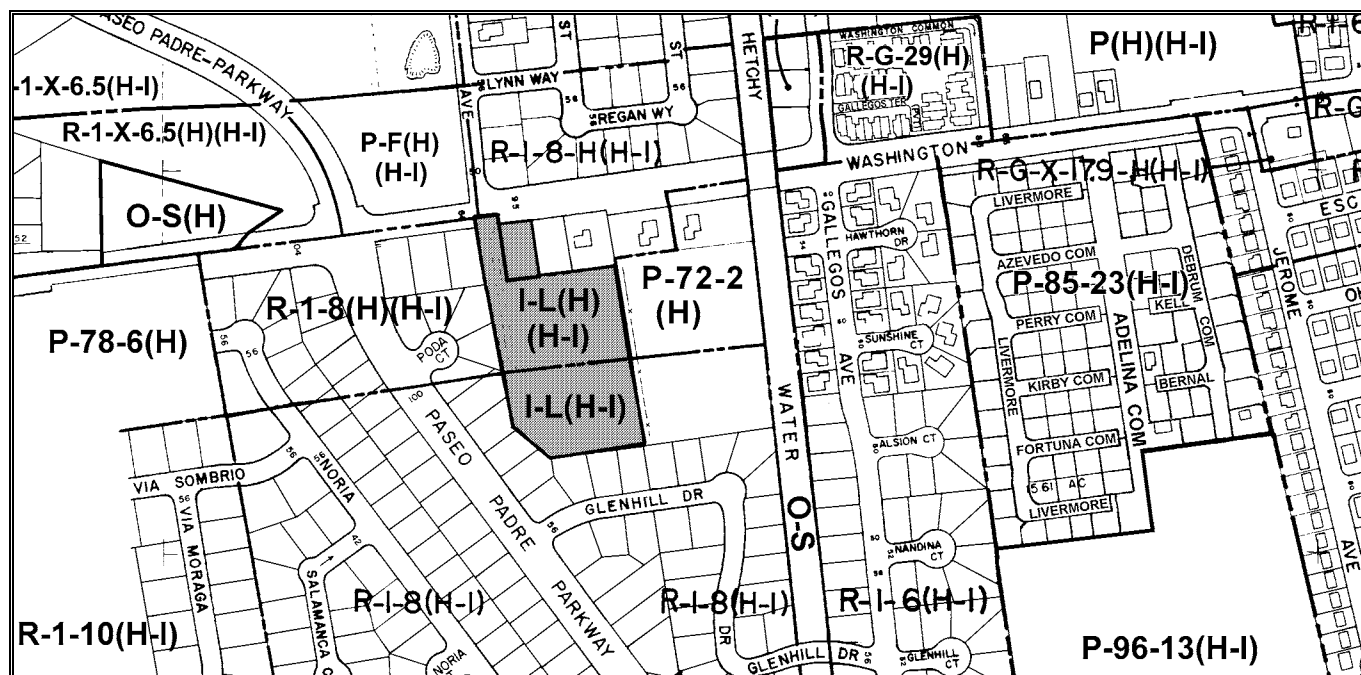
Enclosures: Exhibit "B" (Site Plan, Elevations, Floor Plans, Landscape Plan)
Applicant's Justification Statement

Exhibits: Exhibit "A" (Zoning)
Exhibit "B" (Site Plan, Elevations, Floor Plans, Landscape Plan)
Exhibit "C" (Material Color and Sample Board)
Exhibit "D" (Findings and Conditions)

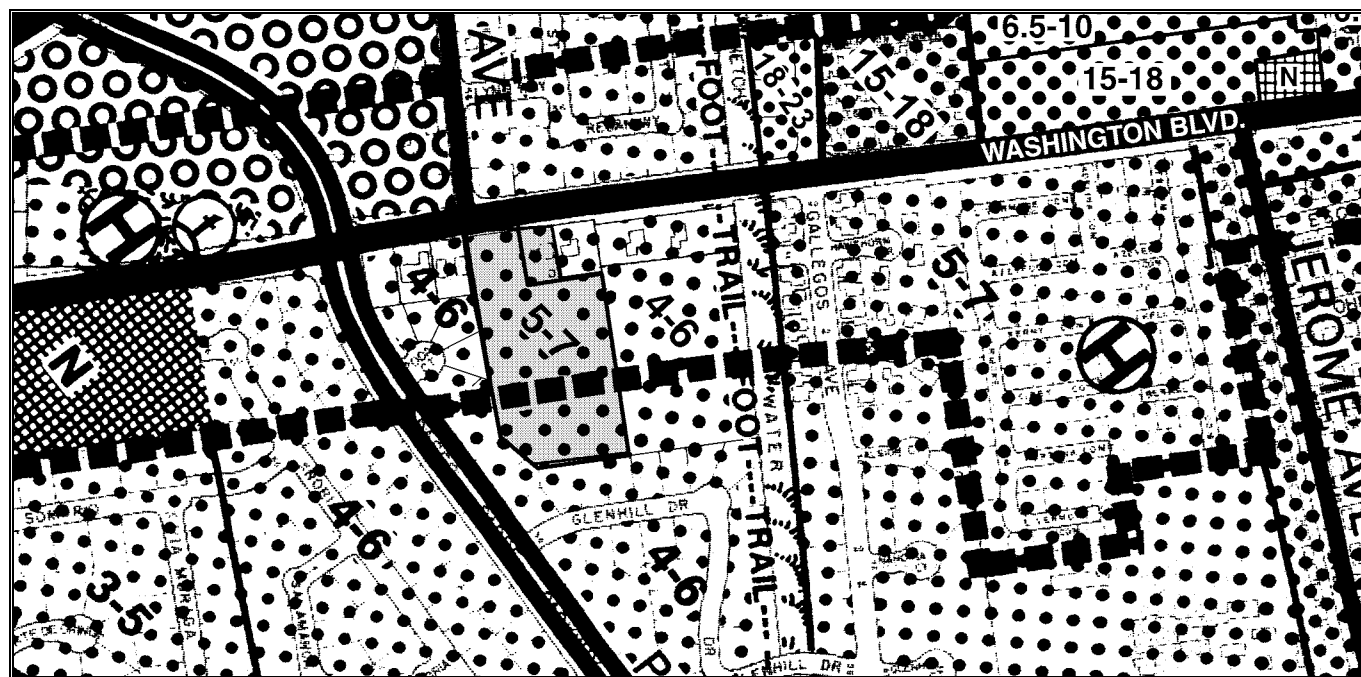
Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the previous initial study and Mitigated Negative Declaration for the General Plan Amendment has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council find that the previous Mitigated Negative Declaration adopted for the General Plan Amendment considered all impacts related to the project and that no new impacts will result from this development.
4. Find PLN2004-00196 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
5. Recommend PLN2004-00196 to the City Council in conformance with Exhibit "A", Exhibit "B" (Site Plan, Elevations, Floor Plans, Landscape Plan), Exhibit "C" (Material Color and Sample Board) and subject to Exhibit "D" (Findings and Conditions).

Shaded area represents the Project Site

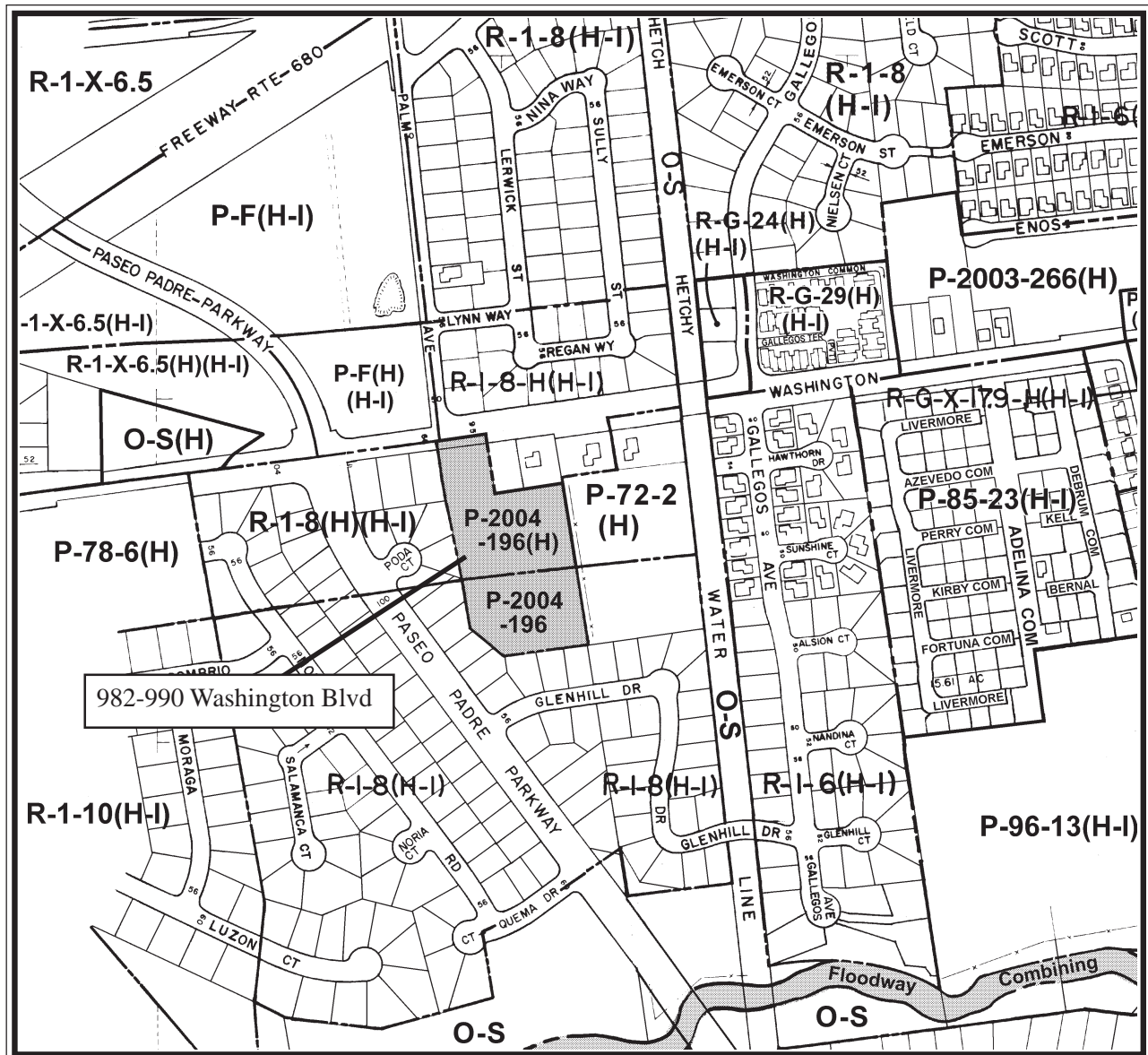


Existing General Plan



On the _____ day of _____, 2004.

AFFECTS ZONING MAP(S) FOR THE MISSION SAN JOSE PLANNING AREA



To: P-2004-196, P-2004-196(H)

Project Name: Washington Boulevard

Project Number: PLN2004-00196 (pd)

[pc on 10-28-2004] 84-376

BSM

EXHIBIT "D"
WASHINGTON BOULEVARD
PLN2004-00196

FINDINGS

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the site is of adequate size to construct the project as a single-phase development.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The proposed residential land use is consistent with the Housing Element of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow the development the flexibility necessary to respond to the unique constraints found at this location and the Design Guidelines for Small-Lot Single-Family Residential Developments.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use. The code-required on-site circulation and parking improvements can reasonably and adequately serve the residential development. Washington Boulevard is a major thoroughfare in the City of Fremont, and at this location in front of the proposed project. The increased traffic from twenty-six residential units will not be a substantial increase for Washington Boulevard.
4. That any exception from standard ordinance requirements may be warranted by special design and planned district amenities incorporated in the future precise site plan, in accord with adopted policy of the Planning Commission and City Council. Upon proposal of a development project through the Planned District process, the applicant may propose modifications to the Fremont Municipal Code for Planning Commission consideration that will allow development that is consistent with the General Plan land use designation and the existing surrounding residences. The applicant has incorporated many features that warrant an exception to the standard ordinance requirements.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This site is an infill development, with the land surrounding this site already developed.
6. That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Low Density Residential (5 to 7 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan. The project will bring the proposed density into alignment with the Housing Element goals of the General Plan.
7. That existing or proposed utility services are adequate for the population densities proposed. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
8. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

General Conditions

The following conditions were made by the Planning Commission on October 28, 2004 incorporated hereby:

- A-1 The approval of PLN2004-00196 shall conform to Exhibit "B" (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit "C" (material and color board) and all the conditions of approval set forth herein. This Planned District, P-2004-196, entitles the construction of twenty-two detached single-family dwellings and four attached (duet) units.
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-5 To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving and/or landscaping shall be completed as soon as feasible to reduce the time bare surfaces and soils are exposed. Dust emissions during construction will be minimized through the application of water required by the project specifications.
- A-6 Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.
- A-7 Recommendations regarding further contamination characterization and cleanup of the site shall be completed. The closure of the current industrial business and building demolition requires a closure letter issued by the appropriate authority prior to any residential construction on the site. Testing of the soil for hazardous materials under the existing building is required. An asbestos survey of existing structures shall be performed consistent with National Emissions Standards for Hazardous Air Pollution guidelines. If warranted, a remediation plan to remove asbestos shall be prepared and implemented. Said plan shall be consistent with applicable Fremont Fire Department standards, Bay Area Air Quality Management District requirements and Cal-OSHA Standards. Necessary permits shall be obtained from all applicable regulatory agencies. A lead based paint survey shall be conducted. If lead based paint is encountered, the requirements as outlined in Cal OSHA Lead in Construction Standard, Title 8, CCR Section 1532.1 (or succeeding regulation) shall be followed.
- A-8 A noise assessment shall be prepared during the building permit review of the project. The analysis shall make recommendations regarding noise mitigation in compliance with the General Plan that shall be incorporated into the construction documents. Mitigation measures may include a sound wall, mechanical ventilation, and sound transmission class (STR) windows at the ratings levels to be determined in the report levels to be determined in the report.
- A-9 All equipment used on the project should be adequately muffled and maintained. Construction activities shall be limited to the following hours of operation:
 - 7 a.m. to 7 p.m. Monday through Friday
 - 9 a.m. to 6 p.m. Saturday
 - No Construction Activities on Sunday

Site Planning

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage. This requirement shall be made a tentative tract map condition of approval and incorporated in the project CC&Rs subject to the approval of the City Engineer.
- B-2 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- B-3 The height of retaining walls and/or fences may exceed the height allowed by ordinance subject to review and approval of the City Planner and the City Engineer. The locations and height of such exceptions shall be further refined during the Preliminary Grading Plan review.

Building Design

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, Grading, and Landscape Plans) and Exhibit "C" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 All garage doors shall be equipped with automatic garage door openers.
- C-4 Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval.
- C-5 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- C-6 No exterior additions, sunrooms, or modifications to the residences shall be permitted. This condition shall be incorporated into the CC&Rs for this project.

Engineering Conditions

- D-1. A tentative tract map application and preliminary grading plan application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review. The preliminary grading plan shall include grades around the proposed homes to demonstrate how the homes will conform to the public sidewalk and street grades.
- D-2 The Developer shall dedicate right-of-way and install complete street improvements for Washington Boulevard along the project frontage and for the new public cul-de-sac street (Palm Way). The following are the minimum dedication and street improvement requirements for these public streets.
 - a. Washington Boulevard is an arterial with two lanes in each direction. A right-of-way dedication of approximately twenty feet is required along the project frontage. The developer shall install complete street improvements up to the centerline of Washington Boulevard along the project frontage. Street improvements include, but are not limited to: installation of a concrete bus pad, curb, gutter, sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities. The existing overhead utilities along the project frontage shall be removed and installed underground by the developer. All required dedications and street improvements are subject to review and approval of the City Engineer prior to final map approval.

- b. Palm Way is a new public cul-de-sac street. The developer shall install complete street improvements for the new street. Street improvements include, but are not limited to: installation of curb, gutter, sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain and other utility facilities.
 - c. Consistent with the City's standard for frontage roads, on-street parking shall be permitted on the east side of Palm Way, adjacent to lots 1, 2, 3, and 4, subject to review and approval of the City Engineer. On-street parking shall be prohibited on the west side of Palm way, next to the existing olive trees being retained with the project.
- D-3 The developer shall dedicate a minimum six-foot wide private service easement along the Washington Boulevard and Palm Way frontages of the twenty-six proposed lots.
- D-4 All cut and fill slopes shall be graded to a maximum slope of three horizontal to one vertical (3:1).
- D-5 Other than at the rear yard corners between lot 23 and lot 25, and between lot 22 and lot 26, all retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge or over 12" in height shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12 inches or less in height. Retaining walls supporting surcharge shall require a building permit.
- D-6 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- D-7 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- D-8 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- D-9 All new utility service connections, including electrical and communications, backflow preventers, other transformers, etc. shall be installed underground, subject to the review and approval of staff.

During Construction/ Grading

- E-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.

Fire Department Conditions

The Fire Department will review plans and specifications at the tract map and building permit stage to ensure compliance with all applicable codes and policies. The following conditions are preliminary and will be subject to staff review and approval:

- F-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- F-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 R
- F-3 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations. Spacing shall be 300 feet.

- F-4 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-5 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. UFC 902.2.1.
- F-6 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C. 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-6 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- F-7 Address must always be visible from Public Street or PVAW.
- F-8 Any/all new street names and addressing shall be approved by in accordance with City of Fremont policies and ordinances.
- F-9 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (UFC 1994, Sec. 902.2 as amended)
- F-10 Fire hydrant spacing requirement is: 300 feet. The distance is measured as the fire engine travels on all-weather surfaces.
- F-11 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

Landscape Architecture Conditions

- G-1 The following on site trees are to be preserved: numbers 1 Olive, 2 Olive, 3 Olive, 6 Olive and 10 Coast Live Oak.
- G-2 The City shall hire an Arborist at the applicant's expense to analyze the impacts of the development on the trees designated for preservation and prepare specific guidelines for the preservation of these trees during the Tract Improvement Plan review subject to Staff approval. This may include modifications to curb and pavement design, hardscape, grading and utility location.
- G-3 The applicant shall upsize a minimum of 26 front yard trees to 24" Box size as mitigation for the removal of 57 trees.
- G-4 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.

c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.

- G-5 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail SD-34 City Standard Street Tree Clearances. In order to install all the trees shown on the "Landscape Concept Plan" utilities may require relocation subject to staff approval during Tract Improvement Plan review and Development Organization review.
- G-6 A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
- G-7 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
- G-8 The applicant shall submit landscape and irrigation plans for all front yard landscapes for staff review during the Tract Improvement Plan and/or the Development Organization review processes.
- G-9 The applicant shall provide Street trees of 24" Box size and species indicated on the "Landscape Concept Plan" in the City Right of Way on all public streets planted in conformance with City Standard Tree Detail SD-34.

Environmental Services Conditions

- H-1 Municipal solid waste (MSW) collection service is required for all commercial, multi-family and residential properties, and is provided by Browning Ferris Industries (BFI) on an exclusive franchise basis. Collection of recyclables at multi-family residential complexes is mandatory, and is provided by the City's franchised hauler (FMC IV, Ch 2, 4-2101, -2200, -2212). Contact BFI at (510) 657-3500 to arrange for service.
- H-2 Prior to receiving a demolition or building permit, the applicant must submit a **Waste Handling Plan** for managing all expected construction and demolition debris to the Environmental Services Division. Environmental Services supplies this form (see sample attached), or a Plan may be submitted in any format that includes the following information:
- a. Contractor's name, address, and telephone number
 - b. Project location and/or street address
 - c. Anticipated start and completion dates of the project
 - d. A list of debris materials the applicant expects to generate (e.g., glass, wood, metal, drywall, concrete, or bricks), the estimated total tonnage or volume of material, and whether it is to be salvaged, reused, recycled or disposed
 - e. Estimated total cost of waste disposal and recycling.
- H-3 Environmental Services will review the Plan and may recommend alternative disposal methods for the debris material.

- H-4 After completing the demolition or construction project, the contractor will submit a **Waste Disposal & Diversion Report** to Environmental Services on actual tonnages or volumes disposed and recycled for the project, and the actual cost of disposal and recycling. Environmental Services supplies this reporting form.
- H-5 The applicant may contract with any company licensed to do business in Fremont for collection, storage and hauling of contractor-separated construction and demolition materials for salvage or recycling. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
- H-6 The contractor must insure that non-recyclable construction and demolition debris is removed from the site using means set out in the Fremont Municipal Code, including one or more of the following ways (FMC IV, Ch 2, 4-2300):
- f. Removal from the premises by the construction or demolition contractor as part of a total construction, remodeling or demolition service offered by that contractor;
 - g. Placement of small amounts of debris into the customer's existing trash container(s) with prior notice to the City's franchised waste hauler;
 - h. Contacting the City's franchised waste hauler to arrange for use of rolloff drop boxes or debris box containers with sufficient capacity to store all demolition materials to be landfilled.
- H-7 Each dwelling unit shall include an area with a minimum of six (6) cubic feet designed for the internal storage of trash and recyclable material. A minimum of three (3) cubic feet (undivided) shall be provided for storage of trash and a minimum of three (3) cubic feet (undivided) shall be provided for storage of recyclable material.
- H-8 Each single-family dwelling unit with a separate garage shall include a minimum of twenty-seven (27) square feet of garage floor space with 48" height clearance designed for internal storage of one garbage cart and two recycling carts.